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**Attorneys for Petitioner**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**

**ADEL HASSAN HAMAD,**

**Petitioner,**

**v.**

**GEORGE W. BUSH, DONALD**  
**RUMSFELD, JAY HOOD, and BRICE**  
**GYURISKO,**

**Respondents.**

**CV 05-1009 JDB**

**MOTION REQUIRING COMPLIANCE**  
**WITH RULE 23 AND PRELIMINARY**  
**INJUNCTION FOR 30-DAY NOTICE**  
**OF INTENT TO TRANSFER**

Petitioner Adel Hassan Hamad, through his attorneys of record, Federal Public Defender Steven T. Wax and Assistant Federal Public Defender Patrick J. Ehlers, hereby moves the Court for an order pursuant to Federal Rule of Appellate Procedure

23 requiring Respondents to seek advance authorization by the Court prior to transferring or forcibly repatriating him from Guantánamo Bay Naval Base in Cuba.

Alternatively, Petitioner requests a preliminary injunction requiring that the Respondents provide 30-day advance notice to the Court and counsel for the Petitioner prior to transferring him or forcibly repatriating him from Guantánamo Bay Naval Base in Cuba so that counsel has an opportunity to consult with Petitioner to determine whether Petitioner objects to transfer or repatriation. The Petitioner supports this request based on the reasons set forth in the memorandum of support filed contemporaneously with this motion.

Pursuant to LCvR 7(m), counsel for Petitioner contacted opposing counsel, Andrew Warden, and was informed that the Respondents object to the filing of this motion.

Respectfully submitted this 14<sup>th</sup> day of December, 2005.

/s/ Steven T. Wax

Steven T. Wax  
Federal Public Defender

/s/ Patrick Ehlers

Patrick Ehlers  
Assistant Federal Defender